

REMARKS

No amendments to the claims have been made in this Amendment.

Applicants respectfully request entry and consideration of the attached Declaration under 37 C.F.R. 1.132 by Alexandre Blais ("AB Declaration"), the sole inventor of the present application and the sole inventor of the Canadian Patent Application No. 2332187 published on July 24, 2002 ('187 application).

The Examiner rejected claims 1-9, 11-16 and 18-22 under 35 U.S.C. §103(a) as allegedly obvious over the inventor's own Canadian Patent Application No. 2332187 published on July 24, 2002 ('187 application).

Applicants respectfully submit that the '187 application has no claims. Applicants further submit that both the present application and the '187 application have only one inventor and it is the same inventor, namely, Alexandre Blais.

In view of the above, Applicants submit the AB Declaration under 37 C.F.R. 1.132, as suggested by the Examiner on page 2 of the August 8, 2009 Office Action. The AB Declaration confirms the above facts, namely that while the subject matter of the present claims is disclosed in the '187 application, this subject matter was not claimed in the '187 application. Further, as set forth in the Declaration, the invention disclosed but not claimed in the '187 application was derived from the inventor of the present application. Both the '187 application and the present application have the same one inventor, namely Alexandre Blais.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 103(a) should be withdrawn..

In view of the above, Applicants respectfully submit that the claims are now in condition for allowance. Allowance of claims 1-9, 11-16 and 18-22 at an early date is solicited.

Applicants believe no fees are due at this time. However, if any fee deficiencies are associated with this submission, the Commissioner is authorized to debit such deficiencies to the Nixon Peabody Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Date: October 9, 2009

Customer No.: 50828

Respectfully submitted,

/Leena H. Karttunen/

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